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12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN JOSE DIVISION**

15 IN RE: HIGH-TECH EMPLOYEE  
16 ANTITRUST LITIGATION

17 THIS DOCUMENT RELATES TO:  
18 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DEFENDANT GOOGLE INC.'S  
RENEWED ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PURSUANT TO FEBRUARY 28, 2013  
SEALING ORDER**

Pursuant to N.D. Cal. Civ. L.R. 7-11 and 79-5 and the Court's Order Granting-in-Part Motions to Seal dated February 28, 2013 (Dkt. 333) ("Sealing Order"), Defendant Google Inc. ("Google") hereby renews its administrative motion to seal certain information contained in Plaintiffs' and Google's papers and documents relating to Plaintiffs' motion to compel production of documents from Google. In particular, and in accordance with the Sealing Order, Google renews its request to seal the following information:

- (i) Portions of Plaintiffs' Notice of Motion and Motion to Compel Google Documents (proposed redacted version attached as Exhibit 1);
- (ii) Portions of the Declaration of William Campbell in Support of Google's Response to Plaintiffs' Motion to Compel ("Campbell Declaration") (proposed redacted version attached as Exhibit 2);
- (iii) Portions of Exhibit 1 to the Supplemental Declaration of Dean M. Harvey in Support of Plaintiffs' Motion to Compel ("Exhibit 1 to the Harvey Declaration"), which contain transcript excerpts from the deposition of William Campbell (proposed redacted version attached as Exhibit 3); and
- (iv) Portions of Google's Inc.'s Supplement Regarding Plaintiffs' Motion to Compel Production of Documents (proposed redacted version attached as Exhibit 4).

This information has been designated Confidential or Attorneys-Eyes Only under the Stipulated Protective Order (Modified by the Court) (Dkt. No. 107). Google is filing the accompanying Declaration of Anne M. Selin ("Selin Declaration") in support of Google's renewed sealing request.

#### **I. LEGAL STANDARD**

Rule 26(c) of the Federal Rules of Civil Procedure provides broad discretion for a trial court to permit sealing of court documents for, inter alia, the protection of "a trade secret or other confidential research, development, or commercial information." Fed. R. Civ. P. 26(c)(1)(G). The Ninth Circuit has "carved out an exception to the presumption of access to judicial records for a sealed discovery document [attached] to a nondispositive motion," where the requesting party shows good cause exists to keep the records under seal. *Navarro v. Eskanos & Adler*, No.

1 C-06 02231, 2007 U.S. Dist. LEXIS 24864, at \*6 (N.D. Cal. March 22, 2007) (citing *Kamakana*  
 2 *v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (“[A] ‘particularized showing’  
 3 under the ‘good cause’ standard of Rule 26(c) will ‘suffice[] to warrant preserving the secrecy of  
 4 sealed discovery material attached to nondispositive motions.”); *see also Pintos v. Pacific*  
 5 *Creditors Assoc.*, 565 F.3d 1106, 1115 (9th Cir. 2009) (“In light of the weaker public interest in  
 6 nondispositive materials, we apply the ‘good cause’ standard when parties wish to keep them  
 7 under seal.”).

8 **II. GOOGLE HAS MADE REDACTIONS TO PLAINTIFFS’ MOTION TO**  
 9 **COMPEL THAT COMPLY WITH THE COURT’S SEALING ORDER.**

10 Pursuant to the Court’s Sealing Order, Google has made limited redactions to Plaintiffs’  
 11 Motion to Compel of excerpts that quote or describe email communications (namely, Exhibits E,  
 12 K, L and M) for which this Court has already granted Google’s sealing requests. Dkt. 333 at 5.  
 13 Accordingly, Google has made specific and narrowly tailored redactions and only seeks to seal  
 14 those portions of the Motion to Compel that describe and reveal the information in those  
 15 exhibits. Selin Decl. ¶ 5.

16 **III. GOOGLE HAS MADE NARROWLY TAILORED REDACTIONS REGARDING**  
 17 **ITS SEALING REQUESTS FOR INFORMATION RELATED TO BILL**  
 18 **CAMPBELL.**

19 In addition, and also in accordance with the Court’s Sealing, Google renews its sealing  
 20 requests related to information about “Campbell’s compensation and his Social Security  
 21 Number.” Sealing Order at 4: 5-7. In its Sealing Order, the Court ruled that information related  
 22 to “the amount and nature of [Mr. Campbell’s] compensation” with Google, as well as his Social  
 23 Security Number, could properly be sealed. *Id.* at 3:16-17. Accordingly, Google has made  
 24 particularized redactions that reflect this information included in (1) the Campbell Declaration,  
 25 (2) Exhibit 1 to the Harvey Declaration (Campbell deposition excerpts), and (3) Google’s  
 Supplement. Selin Decl. ¶ 4.

26 **CONCLUSION**

27 For the foregoing reasons, Google respectfully renews its requests that this Court order  
 28 portions of the above-mentioned documents to be placed under seal. In accordance with Civil

1 Local Rule 79-5(d), a proposed sealing order granting the Renewed Administrative Motion to  
2 Seal will be lodged with the Clerk in hard copy and served on counsel for Plaintiffs. Pursuant to  
3 this Court's January 11, 2013 Order, a copy of Exhibits 1 through 4 that contain Google's  
4 proposed redactions highlighted in yellow are attached (under seal) as Exhibits 5 through 8. In  
5 accordance with Civil Local Rule 79-5(c), Google's proposed redacted versions of Exhibits 1  
6 through 4 will be lodged with the Clerk in hard copy within a sealed envelope and will be served  
7 on counsel for Plaintiffs.

8 Dated: March 12, 2013

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